

**AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings include a replacement drawing sheet comprising figure 4, and a new drawing sheet comprising new figure 12. These sheets replace the original sheet that included figure 4. An annotated sheet showing changes is also provided.

**REMARKS**

Claims 4-15 are pending in this application, of which claims 4, 5, and 11 – 15 are by this Response and Amendment cancelled without prejudice or disclaimer. Claims 1 – 3 were previously cancelled without prejudice or disclaimer to the subject matter therein. Therefore, claims 6 – 10 are presented for reconsideration in view of the foregoing amendments and following remarks.

It is respectfully submitted that the enclosed amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

**Rejection under 35 USC §112**

In the outstanding Office Action, claims 6 – 10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

In claim 6, the Examiner has directed the applicant's attention to the phrase "the reflexive pixel electrodes for the respective pixels and having *first portions*, second openings surrounding the first portions (?), and *a second portion* surrounding the second openings to electrically isolate the first portions from one another" (emphasis and question mark in original).

The Examiner asks on page 3 of the Office Action: "What is the second portion surrounding the [first] portion? What is second openings surrounding the first portions (28)? The openings (28a) are only the HOLES; thus the first and second portions of the light blocking metal films (28) cannot be electrically isolated."

Further, in claim 7, the Examiner has directed the applicant's attention to the phrase "insulating films between the second portion of the light blocking metal films 28 and the light blocking metal-containing films 33 facing the second portion serve as second storage capacitors."

The Examiner asserts on page 3 of the Office Action that "the first light blocking metal films 28 and the light blocking metal-containing films 33 are electrical connected as claim 6 cited; therefore, the insulating films between them *cannot serve as storage capacitors* since both the light blocking metal films 28 and the light blocking metal-containing films 33 have *same electrical potential* or there is no voltage across them. Therefore, the amended feature of claim 7 cannot create second storage capacitor." (emphasis in original)

### Response

#### **Claim 6**

Regarding the rejection of claim 6, Applicant respectfully submits that one having ordinary skill in the art would understand the claims as previously worded, but has nevertheless amended claim 6 as presented herein for clarity.

Applicant submits that the above amendments to claim 6, together with the provided amendments to the specification, Figure 4, and new Figure 12, obviate the Examiner's rejection.

Specifically, claim 6 has been amended, and now recites that the "light blocking metal films" have "light blocking metal films ... having first portions, second portions, and second openings, *each second opening bound on one side by a respective first portion and on the other*

*side by a respective second portion, the second openings electrically isolating the first portions from the second portions..."* (Emphasis added)

As now recited in the specification, "the light blocking metal film 28 is divided into a first portion 91 and a second portion 92 by an annular-type opening 28a, which is bound on its interior edge by the first portion 91 and is in turn bound on its exterior edge by the second portion 92. Opening 28a thus electrically isolates the first portion 91 from the second portion 92."

New element numbers 91 and 92 are provided in Figure 4, to show the respective first and second portions. Moreover, a sectional view of Figure 4 along the annotated XII-XII line is provided as new Figure 12, which clearly shows how openings 28a surround first portion 91, but are in turn surrounded by second portion 92.

With amended figure 4, along with original figures 2A and 6, Applicant submits that a person having ordinary skill in the art would infer from the amended wordings in claim 6 a horizontal structure of light blocking metal films, as shown in new figure 12.

### **Claim 7**

Regarding the rejection of claim 7, claim 6 makes clear that the light blocking metal films have second openings 28a, each having a first portion 91 located therein and a second portion 92 surrounding the second openings.

The reflective pixel electrodes 30 and the first portions of the light blocking metal films 28 are electrically connected to each other through the third via holes (Via3), and the first

portions of the light blocking metal films (28) and the normal metal films (26) are electrically connected to each other through second via holes (Via2), as recited in amended claim 6 and in the specification at pages 26 (top) and 31 (bottom), and as shown in FIG. 4.

Accordingly, and again making reference to amended Figure 4 and new Figure 12, the light blocking metal-containing films 33 are electrically connected to the first portion 91 of the light blocking metal films 28, but the light blocking metal-containing films 33 are not electrically connected to the second portion 92 of the light blocking metal films 28, because the first portion 91 and second portion 92 are electrically isolated from each other by second openings 28a. Consequently, the insulating films 32, which are located between the second portion 92 of the light blocking metal films 28 and the light blocking metal-containing films 33, can serve as second storage capacitors as recited in claim 7.

For this reason, claim 7 recites that the insulating films, the *second portion* of the light blocking metal films, and the light blocking metal-containing films form the second storage capacitor.

In view of the above comments, amended drawings, amended specification, and amended claims, applicant believes that the rejection under 35 U.S.C. 112, second paragraph has been obviated. Withdrawal of this rejection is requested.

**Rejections over JP2002-357820 to Fumitoshi et al.**

In the outstanding Office Action, claims 6 – 8 and 10 were rejected under 35 U.S.C. 102(a) as anticipated by Japanese Patent Document JP2002-357820 to Fumitoshi et al. (hereinafter referred to as “the ‘820 Fumitoshi Publication”), and claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Fumitoshi in view of U.S. Patent No. 6,781,650 to Colgan et al. (hereinafter referred to as “Colgan.”)

**Response**

The Examiner’s rejection is traversed. Reconsideration and withdrawal of the rejection are requested.

**Applicant thanks the Examiner for the withdrawal of the previous improper rejection under 35 U.S.C. 102(b) over the ‘820 Fumitoshi publication, and for his reminder by telephone that a certified translation of the priority document has not yet been filed in the present application to perfect the present priority claim. A certified translation is presently being prepared, and will be provided in a supplemental filing as soon as it is available. Upon perfection of the present priority claim, the ‘820 Fumitoshi Publication will no longer be a valid reference under any section of 35 U.S.C. 102 or 103.**

As set forth in the previous response, to be available as a reference under 35 U.S.C. 102(a), the ‘820 Fumitoshi Publication must show by its effective date that the presently claimed invention was “known or used by others in this country, or patented or described in a printed

publication in this or a foreign country, *before the invention thereof by the applicant for patent.*"

35 U.S.C. 102(a), emphasis added. "A rejection based on 35 U.S.C. 102(a) can be overcome by...perfecting a claim to priority under 35 U.S.C. 119(a)-(d)" or 35 U.S.C. 120. MPEP 706.02(b). "For 35 U.S.C. 102(a) to apply, the reference must have a publication date *earlier in time* than the effective filing date of the application." MPEP 706.02(a)(II)(C)

As noted on its face page, the '820 Fumitoshi Publication was published on **December 13, 2002**. This is the effective date of the '820 Fumitoshi Publication as a reference under 35 U.S.C. 102.

The present application was filed in the United States on **December 10, 2003**, and claims priority to Japanese Patent Application 2002-362406 (hereinafter referred to as "the JVC '406 Application"), filed on December 13, 2002. A translation of the JVC '406 Application accompanied the filing of the present application, and a certified translation will be provided shortly, perfecting the priority thereof. Upon filing of the certified translation, the present application will have a perfected priority date of **December 13, 2002**, the same date on which the Fumitoshi Publication was published.

As the '820 Fumitoshi Publication was not published before the perfected priority date of the present application (see 35 U.S.C. 102(a)), the '820 Fumitoshi Publication is not a valid reference under 35 U.S.C. 102(a). Applicant reserves the right, if appropriate, to file a declaration under 37 CFR 1.131 further antedating the '820 Fumitoshi Publication.

Should the Examiner attempt to resubmit the present rejection under 35 U.S.C. 102(e) or 103, Applicant notes that foreign references may not be cited under 35 U.S.C. 102(e), and that a reference must qualify under at least one section of 35 U.S.C. 102 to be cited as a primary reference under 35 U.S.C. 103.

Finally, Applicant reiterates that the mere fact that the ‘820 Fumitoshi Publication was cited in an Information Disclosure Statement by the client does not permit its invalid use as a reference under 35 U.S.C. 102 or 103. See 37 CFR 1.97(h), which states that the “filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b).”

Accordingly, as the ‘820 Fumitoshi Publication is not a valid reference against the present application under any section of 35 U.S.C. 102 or 103, Applicant submits that it cannot anticipate the present claims, and further that the Examiner has failed to make a *prima facie* case of obviousness thereto.

Applicant submits that any delay in perfecting priority of the present application was unintentional.

## CANCELLATION OF CLAIMS

Applicant has cancelled all withdrawn claims in the present application to expedite the application to allowance. This cancellation is made without prejudice or disclaimer, and Applicant reserves the right to pursue these claims in one or more divisional applications.

## CONCLUSION

In light of the foregoing, Applicant submits that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner call the undersigned.

Respectfully submitted,  
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## APPENDIX



FIG.4

